Appointment of District Munsiffs.

88. ❋ **MR. K. M. KRISHNAN** (*Ambalapuzha II*): Will the Government be pleased to state:

(*a*) whether they are aware that the High Court has been adopting a communal rotation for the appointment of District Munsiffs from the Bar;

(*b*) if so, when it was first introduced; and

(*c*) to which community the next chance falls if the communal rotation is retained?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*) Yes.

(*b*) 1105 M. E.

(*c*) Ezhava.

Excise Revenue in Muvattupuzha Taluk.

89. ❋**MR. K. M. KURIAKOSE** (*Muvattupuzha II*): Will the Government be pleased to state:

(*a*) the amount of arrears of Excise Revenue to be collected from Muvattupuzha taluk, under Abkari at the close of 1111;

(*b*) the amount of arrears realised in the years 1109, 1110, 1111 in Muvattupuzha taluk, under Abkari by the Revenue Department;

(*c*) what is the minimum standard of financial stability that is required of a toddy shop contractor;

(*d*) who certifies to the stability of the toddy shop contractor; and

(*e*) what are the essential qualifications required of a toddy shop contractor?

MR. C. O. MADHAVAN (*Excise Commissioner*) (*a*) S. Rs. 94,417-16-6.

(*b*) The amounts collected were as follows:—

	Rs.	Ch.	C.
1109	53	1	8
1110	3,215	20	6
1111	838	24	8

(*c*) There is no minimum standard of financial stability fixed for an abkari contractor.

(*d*) The Proverthicars.

(*e*) The qualification prescribed for an abkari contractor is that he should not be subject to any of the disqualifications enumerated in Clause 4 of the sale notification.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to part (*a*) may I know when and how these arrears accumulated?

MR. C. O. MADHAVAN (*Excise Commissioner*): The bulk of the arrears accumulated during the biennial contract 1106 and 1107.

PRESIDENT: Will the honourable member please raise his voice a little louder?

MR. C. O. MADHAVAN (*Excise Commissioner*): The bulk of the arrears accumulated during the contract for the years 1106 and 1107.

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MR. K. M. KURIAKOSE (*Muvattupuzha II*): My question as to how it accumulated is not answered.

MR. C O. MADHAVAN (*Excise Commissioner*): In 1105, before the commencement of the economic depression, the shops were disposed of for very high rentals. Most of the contractors defaulted. Therefore the shops had to be reauctioned for lower rentals and the loss by resale is now sought to be recovered as arrears of revenue.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether any concessions were given to those contractors?

MR. C. O. MADHAVAN (*Excise Commissioner*): For those who conducted the shops without default concessions were granted during both the years.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know the reason for the abnormal fall in collection during the years 1107, 1108 and 1109?

MR. C. O. MADHAVAN (*Excise Commissioner*): It was possible to collect only so much. Proceedings are in various stages of progress for the collection of arrears.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the Government have considered the necessity of giving help to these contractors in view of the economic depression?

MR. C. O. MADHAVAN (*Excise Commissioner*): Help was given to deserving contractors. The other question has not been considered.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the Government have considered the necessity of writing off any of these amounts?

MR. C. O. MADHAVAN (*Excise Commissioner*): If anything is found to be irrecoverable that will be written off.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): With reference to answer to part (*c*) it is stated that "there is no minimum standard of financial stability fixed for an abkari contractor" and with reference to part (*d*) it is stated that it is Proverthicars who certify to the stability of the toddy shop contractor. I wish to know on what basis they make the recommendations.

MR. C. O. MADHAVAN (*Excise Commissioner*): On the tax paying capacity which would show how much property they hold.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): May I know whether the fact that a small amount is due to the Government from these contractors indicate that they are not stable?

MR. C. O. MADHAVAN (*Excise Commissioner*): In most cases their properties are found to be heavily encumbered.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the Government have ascertained whether the contractors are solvent to realise the arrears due to Government?

MR. C. O. MADHAVAN (*Excise Commissioner*): Even before the contract is given the solvency of the contractors is ascertained through the Proverthicars.

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MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the defaulting shop contractors were admitted to take part in the auction for the years 1109 and 1110?

MR. C. O. MADHAVAN (*Excise Commissioner*): There is an express provision that no defaulter will be admitted to the auction hall.

Misappropriation of Money by Official Receivers.

90. ❋ **MR. S. J. NAIR** (*Nedumangad*): With reference to the answers given to question No. 14 of the 8th Session of the 1st Assembly on the 28th July 1936, and also with reference to the specific answer given to part (*k*) of the question, that the Government have ordered that the loss sustained should be recovered from the Official Receiver concerned, will the Government be pleased to state:

(*a*) what action has been taken by them to recover the amount from the Official Receiver concerned;

(*b*) who is the Official Receiver;

(*c*) what is he now;

(*d*) whether the whole amount has actually been recovered;

(*e*) if the answer to part (*d*) is in the affirmative, when and how was it recovered;

(*f*) if the answer to part (*d*) is in the negative, why the amount has not yet been recovered; and

(*g*) with reference to answer to part (*j*) of the question that the Official Receiver reported that he had not received any rent, whether the Trivandrum District Court, under which he was the Official Receiver has enquired into the veracity of the report?

RAO BAHADUR RAJYASEVANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): (*a*), (*b*) and (*c*). As a result of a representation put in by Mr. N. Raghava Aiyar, M. A., M. L., who was the then Official Receiver and who is now the District Munsiff at Quilon, the High Court have been requested to have an enquiry conducted so as to fix the responsibility for the amount in question on the person concerned.

(*d*), (*e*), (*f*) and (*g*). In view of answer to (*a*), (*b*) and (*c*) these do not arise.

MR. S. J. NAIR (*Nedumangad*): With reference to answer to part (*c*) it was answered ".....the Government have ordered that the loss sustained should be recovered from the Official Receiver concerned" and the present answer is ".....the High Court have been requested to have an enquiry conducted so as to fix the responsibility for the amount in question on the person concerned." May I know from Government how they had come to the conclusion on a former occasion that the Official Receiver should deposit the amount?

RAO BAHADUR RAJYASEANIRATA DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): On the basis of the records then available.

MR. S. J. NAIR (*Nedumangad*): May I know the reason why the Government have revised their former order and ordered the High Court to make the necessary investigation and put the responsibility upon them?

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